

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 09-0312 JB

KALVEST GANADONEGRO,

Defendant.

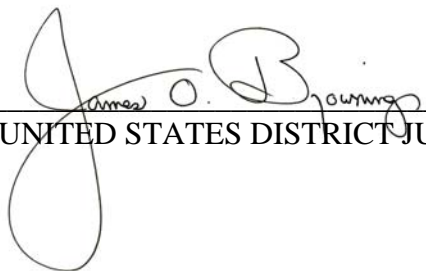
MEMORANDUM OPINION AND ORDER

THIS MATTER comes before the Court on the Defendant's Notice of Intent to Offer Expert Testimony, filed February 22, 2012 (Doc. 275)("Notice"). The Court held a hearing on February 23, 2012. The primary issues are: (i) whether the Court should recognize Jerry Goffe as qualified to provide an expert opinion on the prevailing professional norms for documenting the results of legal and forensic evidence collection during a custodial interrogation, deposition, or safe house interview through the use of audio and video recordings; and (ii) whether the Court should recognize Goffe as qualified to provide an expert opinion about audio reconstruction. Pursuant to the parties' agreement at the hearing, the Court will deny Defendant Kalvest Ganadonegro's requests. At the hearing, the parties agreed that it would not be necessary to have Goffe testify if Federal Bureau of Investigation agent Ben Bourgeois would agree to testify that, when an individual is making physical motions during an interview, videotaping the interview is preferable to having an audio tape of the interview. See Transcript of Hearing at 5:25-7:2 (taken February 23, 2012)(Rozzoni, Pori, Court)("Tr.").¹ The parties agreed that the Court would deny the request without prejudice to

¹The Court's citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may contain slightly different page and/or line numbers.

Ganadonegro if Bourgeois did not testify as anticipated and consistent with the parties' agreement. See Tr. at 5:11-7:2 (Pori, Rozzoni, Court). Additionally, Ganadonegro represented that he would not pursue his request to have the Court recognize Goffe as qualified to provide an expert opinion about audio reconstruction and that the Court could deny the requests without prejudice. See Tr. at 6:7-7:2 (Rozzoni, Pori, Court).

IT IS ORDERED that the requests contained in the Defendant's Notice of Intent to Offer Expert Testimony, filed February 22, 2012 (Doc. 275), are denied. The Court will deny without prejudice Defendant Kalvest Ganadonegro's request that the Court recognize Jerry Goffe as qualified to provide an expert opinion on the prevailing professional norms for documenting the results of legal and forensic evidence collection during a custodial interrogation, deposition, or safe house interview through the use of audio and video recordings. The Court will deny Ganadonegro's request without prejudice that the Court recognize Goffe as qualified to provide an expert opinion about audio reconstruction.



UNITED STATES DISTRICT JUDGE

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